

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services- Panchayat Raj & Rural Development Department - Allegations of corruption and misappropriation of Govt. money under Janmabhoomi Programme in Narayankhed Assembly Constituency, Medak District - Disciplinary proceedings initiated against Sri A. Bhasker Rao , the then Dy.Executive Engineer now Executive Engineer, PIU, Nalgonda and others - Charge Memo set aside by the Hon'ble A.P. Administrative Tribunal - Further action dropped - Orders - Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.I) DEPARTMENT

G.O.Rt.No.418

Dated: 21.03.2011

Read the following:

1. Memo.No. 11771/Vig.1/2005-6 PR &RD (Vig.1) Department date: 17.10.2005.
2. Written statement of defence dated: 23.2.2006 of Sri A. Bhasker Rao Formerly Dy.E.E., PR , Subdivision, Medak district .
3. G.O.Rt.No.814, PR & RD (Vig.I) Dept., dt. 02.06.2008.
4. Orders of Hon'ble A.P.A.T. dt. 17.7.2009. in O.A.No. 7377/2009 along with VMA.
5. Orders dated : 4.6.2010 in WP.No. 855/10 from the Hon'ble High Court of A.P.
6. Representation dated: 9.8.2010 of Sri A. Bhasker Rao formerly Dy.E.E,PR sub-division, Narayankhed, Medak dist.

ORDER:

In the Memo 1st read above, among others , a charge was framed under Rule 20 of A.P.C.S (CCA) Rules 1991, against Sri. A. Bhasker Rao, the then Dy.Executive Engineer now Executive Engineer, (FAC) PIU, Nalgonda on the allegations of corruption and misappropriation of Govt. money under Janmabhoomi Programme in Narayankhed Assembly Constituency, Medak District.

2. The Charged Officer, has submitted written statement of defense vide reference 2nd cited.

3 After examining the matter, in the reference 3rd read above, the disciplinary case has been entrusted to Commissioner of Inquiries, for conducting detailed inquiry against Sri A. Bhasker Rao, the then Dy.Executive Engineer now Executive Engineer, (FAC) PIU, Nalgonda and others.

4. As the matter stood thus, Sri A. Bhasker Rao , the then Dy.Executive Engineer now Executive Engineer (FAC) PIU, Nalgonda has approached, the Hon'ble A.P.A.T. filing O.A.No.7377/2009 praying the APAT to consider the representation dated; 10.6.2009 and to declare the Memo.No. 10771/Vig.1/2005-6 dated: 17.10.2005, as illegal arbitrary, unreasonable, unjustified and set-aside the same and consequently direct the respondents to consider the case of applicant for promotion on regular basis or incharge basis or additional charge basis to the cadre of Executive Engineer. On the above O.A the Hon'ble A.P.A.T has passed the following interim order dated: 17.7.2009" considering the submissions made by

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both sides , pending disposal of the O.A., the impugned charge memo. , dated; 17.10.2005, issued by the 1st respondent is suspended and the Respondents are directed to consider the case of the applicant for promotion as Executive Engineer, or for being posted as Executive Engineer, in-charge basis or for temporary promotion as Executive Engineer". A detailed counter has been filed before the Hon'ble Tribunal to vacate the interim orders dt. 17.07.2009 in O.A.No.7377/2009 and to dismiss the O.A. Further a W.P.No.855 of 2010 has also been filed by the Govt. before the Hon'ble High Court of AP against the orders dated.17.7.2009 in O.A.No.7377/2009. On the above W.P. the Hon'ble High Court of A.P in its order dated.4.6.2010. while setting aside the impugned order in O.A.No.7377/2009, Dated.17.7.2009 remitted back the O.A to the APAT for fresh consideration which shall hear and decide the same in accordance with Law as expeditiously as possible. Accordingly the Hon'ble High Court of A.P has allowed the W.P.

The above O.A. along with VMA has come up for hearing on 2.9.2010 on its remand from Hon'ble High Court in W.P.No.855/2010 Dated.4.6.2010. The Hon'ble Tribunal in its order dated. 2.9.2010 has set aside the impugned Charge Memo.No.11771/Vig.I/2005 .

"on perusal of the aforesaid counter stand taken by the respondents in the Counter Affidavit, it is seen that no plausible explanation is put forth in not concluding the disciplinary proceedings within a reasonable period. The respondents state that the investigating agency has investigated a petition received on 4.7.2000 and furnished a report to the Government on 30.6.2005. The investigating Agency has taken nearly five years to submit its report. The Government examined and issued impugned charge memo in the year 2005 and the said charge memo was communicated to the applicants on 22.2.2006. Then with in the stipulated time, the applicants has filed his written statement of defense denying the charges. The respondents have taken two years to apply its mind to the written statement of defense submitted by the applicant and issued G.O.Rt.No.814 dated:02.6.2008 entrusting the matter to the Commissioner of Enquiry .Thus, it is seen that the Government has dealt with the disciplinary proceedings in a casual manner .There are absolute no reasons put forth in the Counter Affidavit for the delay in concluding the disciplinary proceedings. The inordinate delay in concluding the disciplinary proceedings will cause prejudice to the delinquent officer.

Having regard to the decision of the Hon'ble Supreme Court referred to supra , the impugned memo.No.11771/Vig.1/2005-6 dated; 17.10.2005 issued by the 1st respondent is set aside and the O.A. is allow. VMA is dismissed."

5. Sri A. Bhasker Rao the then Dy.E.E., now E.E. (FAC) Nalgonda in his representation dated: 16.9.2010 while enclosing the orders of the A.P.A.T has stated that the charge memo is pending since several years and he is suffering due to above charge memo. He has requested the Government to consider his request to drop charge memo against him in view of the above Tribunal orders.

6. Government after careful examination of the matter have observed that the case pertains to the year 1997-98 and could not be completed due to non- availability of records. Moreover, the Departmental proceedings

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against Sri A. Bhasker Rao , were initiated after a gap of 8 years .The Tribunal in its orders dated 2.9.2010 , has set aside the charge Memo in respect of Sri A. Bhasker Rao. The Law Department, while quoting the judgment of Supreme Court, has opined that there is no alternative except to implement the orders of the Tribunal.

7. In view of the above, Government decided to implement the orders of A.P. A.T dated: 17.7.09. in O A.No. 7377/09 dropping further action against Sri A. Bhasker Rao, the then Dy. Executive Engineer, now Executive Engineer, (FAC)PIU, Nalgonda. Accordingly Government hereby drop further action against Sri A. Bhasker Rao, the then Dy.Executive Engineer now Executive Engineer, PIU, Nalgonda.

8. The Engineer-in-Chief, Panchayat Raj, Hyderabad shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. RAJIV SHARMA
PRINCIPAL SECRETARY TO GOVT. (PR)

To
Sri. A. Bhasker Rao , the then Dy.Executive Engineer,
now Executive Engineer, PIU, Nalgonda Through the Engineer-in-Chief,
Panchayat Raj, Hyderabad.

The Engineer-in-Chief, Panchayat Raj, Hyderabad.

Copy to:

The General Administration (COI.JR) Dept.,

The PR & RD (Estt.b.1) Department

The Registrar, Commissionerate of Inquiries, G.A.D., Hyderabad.

The Government Pleader, A.P. Administrative Tribunal, Hyderabad.

The Secretary, A.P. Vigilance Commission, Hyderabad.

(w.r.t Lr.No.82226/VC.H2/2005-11, dt. 3.12.2010)

The Director General, Anti Corruption Bureau, Hyderabad.

SF/SC.

//FORWARDED:: BY:: ORDER//

SECTION OFFICER